

ALBUQUERQUE POLICE DEPARTMENT
*** PROCEDURAL ORDERS ***

Effective: 04/20/2009; Replaces: 12/15/2008
06-POR02

2-52 USE OF FORCE (DEADLY FORCE, NON DEADLY FORCE, LESS LETHAL FORCE)

POLICY:

It is the policy of this Department that officers shall use only that force which is reasonably necessary to protect the sanctity of human life, preserve and protect individual liberties, and to effect lawful objectives. All officers will act in good faith in the exercise of force. The officers' options can range from a continuum of verbal persuasion to deadly force.

2-52-1
N/A

DEFINITIONS:

A. NON DEADLY FORCE

Any use of force other than which is considered deadly force.

B. DEADLY FORCE

Any use of force that is likely to cause death or serious physical injury.

C. REASONABLE BELIEF

The facts or circumstances the officer knows, or should know, are such as to cause an ordinary and prudent person to act or think in a similar way under similar circumstances.

D. SERIOUS PHYSICAL INJURY

A bodily injury that creates a substantial risk of death; causes serious permanent disfigurement; or results in long-term loss or impairment of the functioning of any bodily member or organ.

E. POLICE ACTION

Any offensive or non passive defensive action by an officer, or some intentional action under his/her immediate control.

F. POLICE ACTION INJURY

Any injury to a suspect that results from offensive or non passive defensive action by an officer, or some intentional action under his/her immediate control.

G. LESS LETHAL FORCE

Force that is intended to cause or which is likely to cause bodily harm and in certain circumstances may result in death or great bodily injury.

**PLAINTIFF'S
EXHIBIT**

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H. LESS LETHAL MUNITIONS

Munitions designed to incapacitate hostile individuals without causing death or great bodily harm, but that possibility always exists even though the munitions are deployed properly. Department approved less lethal munitions are:

1. Electronic Restraint Device (taser),
2. Bean Bag Rounds,
3. Rubber Pellet Rounds,
4. Foam Projectile Rounds, and
5. Wooden Baton Rounds

I. BODILY HARM

Any physical impairment of the condition of another's body which causes pain or illness.

RULES AND PROCEDURES:

2-52-2 **USE OF NON DEADLY FORCE**
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- A. Where force is warranted, officers should assess the incident in order to determine which technique or weapon will reasonably de-escalate the incident and bring it under control safely. Officers shall use only that force which is reasonably necessary to effect lawful objectives.
- B. Officers are permitted to use those defensive tactics and non deadly weapons with which they are trained, qualified, and certified with, as determined by Department training procedures, for the resolution of incidents.
- C. Every officer is expected to consider the use of Departmental approved options, ranging from verbal techniques, hand control procedures, and non-lethal equipment, which includes, but not limited to chemical agents and the baton.
- D. When a confrontation escalates suddenly, an officer may use any means or device at hand to defend him/herself, as long as the force is reasonable, given the existing circumstances.

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USE OF DEADLY FORCE

A. The authorized weapons that are available to an officer are intended to be used as defensive instruments to prevent an assailant from completing a potentially deadly act.

1. A firearm is discharged with the primary intent to stop or incapacitate and not to kill or injure.
2. To ensure maximum stopping effectiveness and minimal danger to non-participants, the officer should shoot at "center body mass" when discharging a firearm.

B. Officers are authorized to use deadly force, by any means, in order to:

1. Protect the officer or others from what is reasonably believed to be an immediate threat of death or serious physical injury;
2. Prevent the escape of one reasonably believed to have committed a felony, but only when:

➤ *There is probable cause to believe the suspect poses a immediate threat of death or serious physical injury to the officer or others.*

3. Disable the tires on vehicle that is being pursued if the elements in 1 & 2 above are met. If the situation permits an opportunity, officers should obtain supervisor approval prior to disabling the tires.

- a. Officers will use only their shotgun or authorized rifle for this purpose. Sidearms will not be used.
- b. The only target will be the vehicle tires.

[5]

C. Warning shots are prohibited.

[N/A]

D. When feasible, some warning should be given prior to engaging in the use of deadly force.

[4]

E. When the ONLY means of an assault on an officer is by motor vehicle, officers:

1. Should not fire upon the vehicle but must place themselves in the most tactically safe possible.
2. Officers shall not knowingly place themselves into the path of a moving vehicle or into the likely path of a moving vehicle that is currently stopped but under the immediate control of the driver.
3. When feasible, officers shall attempt to move out of the path of any moving vehicle to a position of cover.

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- 4. Will not purposely place themselves in the path of fleeing/ aggressively driven vehicle to justify the use of deadly force**

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OTHER INSTANCES WHEN DISCHARGE OF A FIREARM IS AUTHORIZED

[5]

- A. To safely destroy an animal when:

1. The animal represents a threat to public safety;
2. As a humanitarian measure when the animal is seriously injured,
3. Other alternatives have been exhausted, or
4. Requested by animal control.

[N/A]

- B. During range practice or competitive sporting events.

- C. EOD personnel may utilize a firearm to disrupt an improvised (explosive) device.

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FIREARMS SAFETY

[6]

All weapons, lethal and less lethal, will be carried in a safe and secure manner. Horseplay, flippant handling, and careless behavior is strictly prohibited.

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REPORTING USES OF FORCE

[6]

- A. In instances where police actions are used which result in death or great bodily harm, the reporting and investigation process will be followed as outlined in section 3-41 of the Administrative Orders.

[7]

- B. In all other instances where police actions are used which result in an injury, officers shall document the injury or alleged injury in the report of the incident. All officers who witness such police actions whether directly involved or not, shall document their observation on a supplemental report. A copy will be submitted through their chain of command to their division commander and Internal Affairs within 24 hours of the event.

1. The offense report will include:

- a. A detailed description of the events leading to the necessity for the use of police action;
- b. The amount and type of action used;
- c. The nature and extent of injuries and treatment rendered to the officers and subjects;
- d. The identity of combatants, officers involved, witnesses and medical personnel involved, if applicable, and
- e. Other pertinent information.